

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:15-cr-251-RJC

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|--------------------------|---|-----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | AMENDED FINAL |
| |) | ORDER AND JUDGMENT |
| JAMES RONALD HELMS, JR |) | CONFIRMING FORFEITURE |
| |) | |

THIS MATTER is before the Court on Motion of the United States of America, pursuant to Fed. R. Crim. P. 32.2(c)(2), for an Amended Final Order and Judgment of Forfeiture for real property. For good cause, this Court will **GRANT** the Motion. In support of granting the Motion, this Court **FINDS AS FOLLOWS**:

On March 17, 2016, this Court entered a Consent Order and Judgment of Forfeiture Pending Rule 32.2(c)(2), (Doc. No. 19), for a variety of assets, including but not limited to the following:

- The real property at 813 Rocky River Road North, Monroe North Carolina; and
- One Smith and Wesson Model 5906 9mm, serial number TFN2288 with magazine and ammunition.¹

From March 24, 2016 through April 22, 2016, the United States published, via www.forfeiture.gov, notice of this forfeiture and the intent of the government to dispose of the forfeited property according to law, and further notice to all third parties of their right to petition the Court within sixty days of March 24, 2016 for a hearing to adjudicate the validity of any alleged legal interest in that property, (Doc. No. 26).

¹ The Smith & Wesson 357 Magnum Model 19-3, serial number 4K87403, listed in the Consent Order was reported stolen and will be returned to the innocent party at the completion of this case, (Doc. No. 25). The additional weapons, currency, and vehicle listed in the Consent Order were forfeited administratively by the investigative agency and notices were previously filed with the Court regarding those forfeitures, (Doc. Nos. 22, 29, and 41).

In addition to internet publication, the United States also undertook to identify individuals to whom direct notice via mail was appropriate. As a result, on April 8, 2016, the United States sent direct notice, via United States Postal Service Certified Mail, Return Receipt Requested, to the following recipients, notifying each recipient of this forfeiture action and of the Government's intent to dispose of all forfeited property in accordance with the law, and further notifying each recipient of the right to submit a verified claim to this Court within thirty (30) days of receipt of the notice:

- Kenneth Neal Helms, 16567 Cobbler Drive, Midland, NC 28017. The certified mail receipt was signed by Kenneth Helms on March 29, 2016 and returned to the United States Attorney's Office on March 31, 2016;
- Kenneth Neal Helms, 16001 Blackberry Hills Drive #D, Midland, NC 28107. The certified mail receipt was signed by Ken Helms on March 25, 2016 and returned to the United States Attorney's Office on March 28, 2016; and
- Michelle Stillwell Helms, 813 Rocky River Road, North, Monroe, NC 28110. The certified mail receipt was signed on March 25, 2016 and returned to the United States Attorney's Office on March 31, 2016. (Doc. 23).

Then, on April 29, 2016, the United States identified another potential recipient of direct notice. Thus, on that day, the United States sent direct notice, via United States Postal Service Certified Mail, Return Receipt Requested, to the following recipient, notifying the recipient of this forfeiture action and of the Government's intent to dispose of all forfeited property in accordance with the law, and further notifying the recipient of the right to submit a verified claim to this Court within thirty (30) days of receipt of the notice:

- Gary Mitchell Stillwell, 309 Baucom Deese Road, Monroe, NC 28110. The certified mail receipt was signed by Gary Mitchell Stillwell on May 17, 2016 and returned to the United States Attorney's Office on May 20, 2016.

On September 6, 2016, this Court sentenced Defendant. Following sentencing, this Court issued a Judgment in a Criminal Case, (Doc. No. 39), ordering forfeiture in accord with the Consent Order.

Following sentencing, on the Government's Motion, (Doc. No. 45), this Court entered a Final Order and Judgment Confirming Forfeiture, (Doc. No. 47), for the real property and firearm. Thereafter, the Government determined that additional notice of the real property forfeiture to Michelle Stillwell Helms was merited. Thus, law enforcement made contact with Michelle Stillwell Helms and, ultimately, through counsel, the Government and Mrs. Helms entered into a Consent Order for Third Party Petition, (Doc. No. 58), which this Court entered, recognizing Mrs. Helms partial interest in the forfeited real property.

The Government now requests issuance of an Amended Final Order and Judgment Confirming Forfeiture, as to the real property only, incorporating the Consent Order for Third Party Petition. Other than the petition recognized in the Consent Order for Third Party Petition, no petitions have been filed. Thus, in accordance with Fed. R. Crim. P. 32.2(c)(2), issuance of a Amended Final Order and Judgment of Forfeiture on the real property is appropriate.

IT IS, THEREFORE, ORDERED, that, in accordance with Rule 32.2(c)(2), the Consent Order and Judgment of Forfeiture is confirmed as final. All right, title, and interest in the following property, whether real, personal, or mixed, has therefore been forfeited to the United States for disposition according to law and the United States shall have clear title to the property and may warrant good title as set forth in 21 U.S.C. § 853(n)(7), provided, however, that 30% of any net sale proceeds shall be disbursed to Michelle Stillwell Helms as set forth in the Consent Order for Third Party Petition:

Real property located at 813 Rocky River Road North, Monroe, North Carolina, more particularly described as follows in a Deed to James R. Helms, Jr., and wife, Tanya Michelle Stillwell Helms, recorded at Union County Register of Deeds Book 3689, Page 265: "BEING ALL of Lot #11 of WEST WIND ESTATES, Section II, as shown on plat recorded in Plat Cabinet B, File 17-A, Union County Registry, and Physical Survey dated May 13, 1986, By Carroll L. Rushing, NCRLS #1-1513, both of which are incorporated herein by reference."

This Court's prior Final Order is **VACATED** only as to the real property, but all other terms of the prior Final Order that provide for final forfeiture of one Smith & Wesson Model 5906 9mm, serial number TFN2288 with magazine and ammunition, remain in full effect.

Signed: July 11, 2018

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

